

Bill No. SB 2460

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585-2238-06

Proposed Committee Substitute by the Committee on Governmental Oversight and Productivity

1 A bill to be entitled

2 An act relating to government accountability;

3 creating ch. 21, F.S., the Florida Government

4 Accountability Act; providing definitions;

5 creating the Legislative Sunset Advisory

6 Committee; providing for appointment,

7 qualifications, and terms of committee members;

8 providing for vacancies; providing for

9 organization and procedure; authorizing

10 reimbursement for certain expenses; providing

11 for employment of staff; providing a schedule

12 for abolishing state agencies and advisory

13 committees; prescribing required content for

14 agency reports to the committee; providing for

15 review of agencies and their advisory

16 committees by the Office of Program Policy

17 Analysis and Government Accountability;

18 prescribing duties of the committee in

19 reviewing reports, consulting with other

20 legislative entities, holding public hearings,

21 and making a report and recommendations to the

22 legislative leadership with respect to agencies

23 scheduled for abolition; providing for

24 monitoring committee recommendations; providing

25 review criteria; specifying recommendation

26 options; authorizing exemption from certain

27 review for certain agencies; providing for

28 continuation of state agencies and their

29 advisory committees, by law, under certain

30 circumstances; providing for legislative

31 consideration of proposals with respect to such

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1 recommendations; providing procedures after
2 termination; providing for issuance of
3 subpoenas; authorizing reimbursement for travel
4 and per diem for witnesses; providing for
5 assistance of and access to state agencies;
6 providing applicability with respect to certain
7 rights, penalties, liabilities, and
8 proceedings; providing for review of proposed
9 legislation creating a new agency or advisory
10 committee; amending s. 216.023, F.S.; requiring
11 that performance measures and standards and
12 outsourcing cost-benefit and business case
13 analyses identify impacts on agency activities;
14 creating a working group to develop
15 instructions for agencies regarding the
16 computation of activity and unit cost
17 information required to be included in
18 legislative budget requests; providing an
19 effective date.
20

21 Be It Enacted by the Legislature of the State of Florida:
22

23 Section 1. Chapter 21, Florida Statutes, consisting of
24 sections 21.001, 21.002, 21.003, 21.004, 21.005, 21.006,
25 21.007, 21.008, 21.009, 21.0111, 21.012, 21.0125, 21.0126,
26 21.013, 21.015, 21.016, 21.017, 21.018, 21.019, 21.0211, and
27 21.022, is created to read:

28 CHAPTER 21

29 GOVERNMENT ACCOUNTABILITY

30 21.001 Short title.--This chapter may be cited as the

31 "Florida Government Accountability Act."

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1 21.002 Definitions.--As used in this chapter:

2 (1) "State agency" or "agency" means a department as
 3 defined in s. 20.03(2) or any other administrative unit of
 4 state government scheduled for termination and prior review
 5 under this chapter.

6 (2) "Advisory committee" means any examining and
 7 licensing board, council, advisory council, committee, task
 8 force, coordinating council, commission, or board of trustees
 9 as defined in s. 20.03(3), (7), (8), (9), (10), or (12) or any
 10 group, by whatever name, created to provide advice or
 11 recommendations to one or more agencies, departments,
 12 divisions, bureaus, boards, sections, or other units or
 13 entities of state government.

14 (3) "Committee" means the Legislative Sunset Advisory
 15 Committee.

16 21.003 Legislative Sunset Advisory Committee.--

17 (1) The Legislative Sunset Advisory Committee is
 18 created and shall consist of five members of the Senate, one
 19 public member appointed by the President of the Senate, and
 20 five members of the House of Representatives, and one public
 21 member appointed by the Speaker of the House of
 22 Representatives. Each appointing authority may designate
 23 himself or herself as one of the legislative appointees.

24 (2) An individual is not eligible for appointment as a
 25 public member if the individual or the individual's spouse is:

26 (a) Regulated by a state agency that the committee
 27 will review during the term for which the individual would
 28 serve; or

29 (b) Employed by, participates in the management of, or
 30 directly or indirectly has more than a 10-percent interest in
 31 a business entity or other organization regulated by a state

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1 agency the committee will review during the term for which the
2 individual would serve.

3 (3) It is a ground for removal of a public member from
4 the committee if the member does not have the qualifications
5 required by subsection (2) for appointment to the committee at
6 the time of appointment or does not maintain the
7 qualifications while serving on the committee. The validity of
8 the committee's action is not affected by the fact that it was
9 taken when a ground for removal of a public member from the
10 committee existed.

11 (4) Legislative and public members shall serve terms
12 of 2 years. A public member may not serve more than two
13 consecutive 2-year terms; and, for purposes of this
14 prohibition, a member is considered to have served a term only
15 if the member has served more than half of the term.

16 (5) Initial appointments shall be made not later than
17 November 30, 2006, and subsequent appointments shall be made
18 not later than January 15 of the year following each
19 organization session of the Legislature.

20 (6) If a legislative member ceases to be a member of
21 the house from which he or she was appointed, the member
22 vacates his or her membership on the committee.

23 (7) If a vacancy occurs, the appropriate appointing
24 authority shall appoint a person to serve for the remainder of
25 the unexpired term in the same manner as the original
26 appointment.

27 (8) The committee shall have a chair and vice chair as
28 presiding officers. The chair and vice chair must alternate
29 each year between the two membership groups appointed by the
30 President of the Senate and the Speaker of the House of
31 Representatives. The chair and vice chair may not be from the

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1 same membership group. The President of the Senate shall
2 designate a presiding officer from his appointed membership
3 group who shall preside as chair during the odd-numbered year
4 and as vice chair during the even-numbered year, and the
5 Speaker of the House of Representatives shall designate the
6 other presiding officer from his appointed membership group
7 who shall preside as chair during the even-numbered year and
8 as vice chair during the odd-numbered year.

9 (9) Seven members of the committee constitute a
10 quorum. A final action or recommendation may not be made
11 unless approved by a recorded vote of a majority of the
12 committee's full membership.

13 (10) Each member of the committee is entitled to
14 reimbursement for actual and necessary expenses incurred in
15 performing committee duties. Each legislative member is
16 entitled to reimbursement from the appropriate fund of the
17 member's respective house. Each public member is entitled to
18 reimbursement from funds appropriated for use by the
19 committee.

20 21.004 Staff.--The Senate and the House of
21 Representatives may each employ staff to work for the chair
22 and vice chair of the committee on matters related to
23 committee activities. The Auditor General and the Office of
24 Program Policy Analysis and Government Accountability shall
25 assist the committee in conducting its review under s.
26 21.0111.

27 21.005 Schedule for abolishing state agencies and
28 advisory committees.--The following state agencies, including
29 their advisory committees, or the following advisory
30 committees of agencies are abolished according to the
31 following schedule:

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- 1 (1) Abolished July 1, 2008:
- 2 (a) Advisory committees for the Fish and Wildlife
- 3 Conservation Commission.
- 4 (b) Department of Agriculture and Consumer Services.
- 5 (c) Department of Citrus, including the Citrus
- 6 Commission.
- 7 (d) Department of Environmental Protection.
- 8 (e) Department of Highway Safety and Motor Vehicles.
- 9 (f) Water management districts.
- 10 (2) Abolished July 1, 2009:
- 11 (a) Department of Children and Family Services.
- 12 (b) Department of Community Affairs.
- 13 (c) Department of Management Services.
- 14 (d) Department of State.
- 15 (3) Abolished July 1, 2010:
- 16 (a) Advisory committees for the Florida Community
- 17 College System.
- 18 (b) Advisory committees for the State University
- 19 System.
- 20 (c) Agency for Workforce Innovation.
- 21 (d) Department of Education.
- 22 (e) Department of the Lottery.
- 23 (4) Abolished July 1, 2011:
- 24 (a) Agency for Health Care Administration.
- 25 (b) Agency for Persons with Disabilities.
- 26 (c) Department of Elderly Affairs.
- 27 (d) Department of Health.
- 28 (5) Abolished July 1, 2012:
- 29 (a) Department of Business and Professional
- 30 Regulation.
- 31 (b) Department of Transportation.

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- 1 (c) Department of Veterans' Affairs.
- 2 (6) Abolished July 1, 2013:
- 3 (a) Advisory committees for the State Board of
- 4 Administration.
- 5 (b) Department of Financial Services, including the
- 6 Financial Services Commission.
- 7 (c) Department of Revenue.
- 8 (7) Abolished July 1, 2014:
- 9 (a) Department of Corrections.
- 10 (b) Department of Juvenile Justice.
- 11 (c) Department of Law Enforcement.
- 12 (d) Department of Legal Affairs.
- 13 (e) Justice Administrative Commission.
- 14 (f) Parole Commission.
- 15 (8) Abolished July 1, 2015:
- 16 (a) Executive Office of the Governor.
- 17 (b) Florida Public Service Commission.
- 18
- 19 The President of the Senate and Speaker of the House of
- 20 Representatives may alter this schedule by transferring
- 21 agencies between review years.
- 22 21.006 Agency reports to committee.--Not later than
- 23 January 1 of the year preceding the year in which a state
- 24 agency and its advisory committees are scheduled to be
- 25 abolished, the agency shall report to the committee:
- 26 (1) A list of all agency programs and activities as
- 27 defined in s. 216.011;
- 28 (2) Performance measures for each program and activity
- 29 as provided in s. 216.011 and 3 years of data for each measure
- 30 (actual results for the prior 2 years and projected results
- 31 for the current fiscal year);

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1 (3) The agency's success in meeting its legislative
2 performance standards for each program and activity and an
3 explanation of factors that have contributed to its success or
4 failure to achieve the legislative standards;

5 (4) The promptness and effectiveness with which the
6 agency disposes of complaints concerning persons affected by
7 the agency;

8 (5) The extent to which the agency has encouraged
9 participation by the public in making its rules and decisions
10 as opposed to participation solely by those it regulates and
11 the extent to which public participation has resulted in rules
12 compatible with the objectives of the agency;

13 (6) The extent to which the agency has complied with
14 applicable requirements of:

15 (a) State and federal provisions relating to equality
16 of employment opportunity and the rights and privacy of
17 individuals; and

18 (b) State law and applicable rules regarding
19 purchasing goals and programs for historically underutilized
20 businesses;

21 (7) A statement of the objectives intended for each
22 program and activity, the problem or need that the program and
23 activity were intended to address, and the extent to which
24 these objectives have been achieved;

25 (8) An assessment of the extent to which the
26 jurisdiction of the agency and its programs and activities
27 overlap or duplicate those of other agencies and the extent to
28 which such programs and activities can be consolidated with
29 those of other agencies;

30 (9) An assessment of less restrictive or alternative
31 methods of providing services for which the agency is

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1 responsible which would reduce costs or improve performance
2 while adequately protecting the public;

3 (10) An assessment of the extent to which the agency
4 has corrected deficiencies and implemented recommendations
5 contained in reports of the Auditor General, the Office of
6 Program Policy Analysis and Government Accountability,
7 legislative interim studies, and federal audit entities;

8 (11) The extent to which the agency issues and
9 enforces rules relating to potential conflicts of interest of
10 its employees;

11 (12) The extent to which the agency complies with
12 public records and public meetings requirements under chapters
13 119 and 286 and s. 24, Art. I of the State Constitution and
14 follows records management practices that enable the agency to
15 respond efficiently to requests for public information;

16 (13) The extent to which alternative program delivery
17 options such as privatization have been considered to reduce
18 costs or improve services to citizens;

19 (14) Recommendations to the Legislature for statutory
20 or budgetary changes that would improve program operations,
21 reduce costs, or reduce duplication;

22 (15) The effect of federal intervention or loss of
23 federal funds if the agency, program, or activity is
24 abolished;

25 (16) A list of all advisory committees, including
26 those established in statute and those established by agency
27 initiation; their purpose, activities, membership, and related
28 expenses; the extent to which their purposes have been
29 achieved; and the rationale for continuing or eliminating each
30 advisory committee; and

31 (17) Other information deemed necessary by the

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1 committee.

2
3 Information and data reported by the agency shall be validated
4 by its inspector general before submission.

5 21.007 Legislative review.--Upon receipt of an agency
6 report pursuant to s. 21.006, the Office of Program Policy
7 Analysis and Government Accountability shall conduct a program
8 evaluation and justification review of the agency and its
9 advisory committees as defined in s. 11.513. The review shall
10 be comprehensive in its scope and consider the information
11 provided by the agency report in addition to information
12 deemed necessary by the office and the Sunset Advisory
13 Committee. The Office of Program Policy Analysis and
14 Government Accountability shall submit its report to the
15 Sunset Advisory Committee and to the President of the Senate
16 and the Speaker of the House of Representatives by October 31
17 of the year in which the agency submits its report. The Office
18 of Program Policy Analysis and Government Accountability shall
19 include in its report recommendations for consideration by the
20 Sunset Advisory Committee.

21 21.008 Committee duties.--No later than March 1 of the
22 year in which a state agency or its advisory committees are
23 scheduled to be abolished, the committee shall:

24 (1) Review the information submitted by the agency and
25 the report of the Office of Program Policy Analysis and
26 Government Accountability;

27 (2) Consult with the Legislative Budget Commission,
28 relevant substantive and appropriations committees of the
29 Senate and the House of Representatives, the Governor's Office
30 of Policy and Budgeting, the Auditor General, and the Chief
31 Financial Officer, or their successors, on the application of

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1 the criteria provided in s. 21.006 to the agency and its
2 advisory committees;

3 (3) Hold public hearings to consider this information
4 as well as other information and testimony that the committee
5 deems necessary;

6 (4) Present to the President of the Senate, the
7 Speaker of the House of Representatives, and the Governor a
8 report on the agencies and advisory committees scheduled to be
9 abolished that year. In the report the committee shall include
10 its specific findings and recommendations regarding each of
11 the criteria prescribed by s. 21.006 and shall also:

12 (a) Make recommendations on the abolition,
13 continuation, or reorganization of each affected state agency
14 and its advisory committees and on the need for the
15 performance of the functions of the agency and its advisory
16 committees.

17 (b) Make recommendations on the consolidation,
18 transfer, privatization, or reorganization of programs within
19 state agencies not under review when the programs duplicate
20 functions performed in agencies under review.

21 (c) Recommend appropriation levels for each state
22 agency and advisory committee for which abolition or
23 reorganization is recommended.

24 (d) Include drafts of legislation necessary to carry
25 out the committee's recommendations.

26 21.009 Monitoring of recommendations.--During each
27 legislative session, staff of the committee shall monitor
28 legislation affecting agencies that have undergone review
29 under this chapter and shall periodically report to members of
30 the committee on proposed changes that would modify
31 recommendations of the committee. Staff shall also present a

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1 report to the committee at the close of each legislative
2 session on the adoption of committee recommendations by the
3 Legislature.

4 21.0111 Criteria for review.--The committee shall
5 consider the following criteria in determining whether a
6 public need exists for the continuation of a state agency or
7 its advisory committees or for the performance of the
8 functions of the agency or its advisory committees:

9 (1) Agency compliance with the accountability
10 measures, as analyzed by the Auditor General, the Office of
11 Program Policy Analysis and Government Accountability, and the
12 Office of Policy and Budget within the Executive Office of the
13 Governor, pursuant to s. 216.023(4) and (5).

14 (2) The efficiency with which the agency or advisory
15 committee operates.

16 (3) An identification of the objectives intended for
17 the agency or advisory committee and the problem or need that
18 the agency or advisory committee was intended to address, the
19 extent to which the objectives have been achieved, and any
20 activities of the agency in addition to those granted by
21 statute and the authority for these activities.

22 (4) An assessment of less restrictive or alternative
23 methods of providing any regulatory function for which the
24 agency is responsible while adequately protecting the public.

25 (5) The extent to which the advisory committee is
26 needed and is used.

27 (6) The extent to which the jurisdiction of the agency
28 and the programs administered by the agency overlap or
29 duplicate those of other agencies and the extent to which the
30 programs administered by the agency can be consolidated with
31 the programs of other state agencies.

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1 (7) Whether the agency has recommended to the
2 Legislature statutory changes calculated to be of benefit to
3 the public rather than to an occupation, business, or
4 institution that the agency regulates.

5 (8) The promptness and effectiveness with which the
6 agency disposes of complaints concerning persons affected by
7 the agency.

8 (9) The extent to which the agency has encouraged
9 participation by the public in making its rules and decisions
10 as opposed to participation solely by those it regulates and
11 the extent to which the public participation has resulted in
12 rules compatible with the objectives of the agency.

13 (10) The extent to which the agency has complied with
14 applicable requirements of:

15 (a) An agency of the Federal Government or of this
16 state regarding equality of employment opportunity and the
17 rights and privacy of individuals.

18 (b) State law and applicable rules of any state agency
19 regarding purchasing goals and programs for historically
20 underutilized businesses.

21 (11) The extent to which changes are necessary in the
22 enabling statutes of the agency so that the agency can
23 adequately comply with the criteria listed in this section.

24 (12) The extent to which the agency issues and
25 enforces rules relating to potential conflicts of interest of
26 its employees.

27 (13) The extent to which the agency complies with
28 public records and public meetings requirements under chapters
29 119 and 287 and s. 24, Art. I of the State Constitution and
30 follows records management practices that enable the agency to
31 respond efficiently to requests for public information.

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1 (14) The extent to which the agency complies with
2 requirements for maintaining transparency in its budget
3 reports.

4 (15) The extent to which the agency accurately reports
5 performance measures used to justify state spending on each of
6 its activities, services, and programs.

7 (16) The effect of federal intervention or loss of
8 federal funds if the agency is abolished.

9 (17) Whether any advisory committee or any other part
10 of the agency exercises its powers and duties independently of
11 the direct supervision of the agency head in violation of s.
12 6, Art. IV of the State Constitution.

13 21.012 Recommendations.--In its report on a state
14 agency, the committee shall:

15 (1) Make recommendations on the abolition,
16 continuation, or reorganization of each affected state agency
17 and its advisory committees and on the need for the
18 performance of the functions of the agency and its advisory
19 committees.

20 (2) Make recommendations on the consolidation,
21 transfer, or reorganization of programs within state agencies
22 not under review when the programs duplicate functions
23 performed in agencies under review.

24 (3) Recommend appropriation levels for each state
25 agency and advisory committee for which abolition or
26 reorganization is recommended under subsection (1) or
27 subsection (2).

28 (4) Include drafts of legislation necessary to carry
29 out the committee's recommendations under subsection (1) or
30 subsection (2).

31 21.0125 Review of certain agencies.--In the year

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preceding the date scheduled for the abolition of a state agency and its advisory committees under this chapter, the committee may recommend exempting certain agencies from the requirements of this chapter relating to staff reports, hearings, and evaluations.

21.0126 Monitoring of recommendations.--During each legislative session, the staff of the committee shall monitor legislation affecting agencies that have undergone review under this chapter and shall periodically report to the members of the committee on proposed changes that would modify prior recommendations of the committee.

21.013 Abolition of advisory committees.--An advisory committee is abolished on the date set for abolition of the agency unless the advisory committee is expressly continued by law.

21.015 Continuation by law.--

(1) During the regular session immediately before a state agency and its advisory committees are scheduled to be abolished, the Legislature, by law, may continue the agency or any of its advisory committees for a period not to exceed 8 years.

(2) This chapter does not prohibit the Legislature from:

(a) Abolishing a state agency or advisory committee on a date earlier than that scheduled in this chapter; or

(b) Considering any other legislation relative to a state agency or advisory committee scheduled to be abolished under this chapter.

21.016 Legislative consideration.--

(1) Except as provided by subsection (2), the Legislature may not consider in one bill the continuation,

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1 transfer, or modification of more than one state agency and
2 the agency's functions and advisory committees.

3 (2) If more than one agency, advisory committee, or
4 function is to be consolidated, the Legislature may consider
5 in one bill only the agencies or advisory committees to be
6 consolidated.

7 (3) A bill to continue a state agency, to transfer its
8 functions, or to consolidate it with another agency must
9 mention the affected agencies in the title of the bill.

10 21.017 Procedure after termination.--

11 (1) A state agency that is abolished may continue in
12 existence until July 1 of the following year to conclude its
13 business. Unless the law provides otherwise, abolishment does
14 not reduce or otherwise limit the powers and authority of the
15 state agency during the concluding year. A state agency is
16 terminated and shall cease all activities at the expiration of
17 the 1-year period. Unless the law provides otherwise, all
18 rules that have been adopted by the state agency expire at the
19 expiration of the 1-year period.

20 (2) Any unobligated and unexpended appropriations of
21 an abolished agency or advisory committee lapse on July 1 of
22 the year following abolishment.

23 (3) Except as provided by subsection (5) or as
24 otherwise provided by law, all money in a dedicated fund of an
25 abolished state agency or advisory committee on July 1 of the
26 year immediately following abolishment is transferred to the
27 General Revenue Fund. The part of the law dedicating the money
28 to a specific fund of an abolished agency becomes void on July
29 1 of the year immediately following abolishment.

30 (4) If not otherwise provided by law, property and
31 records in the custody of an abolished state agency or

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1 advisory committee on July 1 of the year immediately following
2 abolishment shall be transferred to the Department of
3 Management Services.

4 (5) The Legislature recognizes the state's continuing
5 obligation to pay bonded indebtedness and all other
6 obligations, including lease, contract, and other written
7 obligations, incurred by a state agency abolished under this
8 chapter, and this chapter does not impair or impede the
9 payment of bonded indebtedness and all other obligations,
10 including lease, contract, and other written obligations, in
11 accordance with their terms. If an abolished state agency has
12 outstanding bonded indebtedness or other outstanding
13 obligations, including lease, contract, and other written
14 obligations, the bonds and all other obligations, including
15 lease, contract, and other written obligations, remain valid
16 and enforceable in accordance with their terms and subject to
17 all applicable terms and conditions of the laws and
18 proceedings authorizing the bonds and all other obligations,
19 including lease, contract, and other written obligations. If
20 not otherwise provided by law, the Department of Management
21 Services shall continue to carry out all covenants contained
22 in the bonds and in all other obligations, including lease,
23 contract, and other written obligations, and the proceedings
24 authorizing them, including the issuance of bonds, and the
25 performance of all other obligations, including lease,
26 contract, and other written obligations, to complete the
27 construction of projects or the performance of other
28 obligations, including lease, contract, and other written
29 obligations. The designated state agency shall provide payment
30 from the sources of payment of the bonds in accordance with
31 the terms of the bonds and shall provide payment from the

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1 sources of payment of all other obligations, including lease,
2 contract, and other written obligations, in accordance with
3 their terms, whether from taxes, revenues, or otherwise, until
4 the bonds and interest on the bonds are paid in full and all
5 other obligations, including lease, contract, and other
6 written obligations, are performed and paid in full. If the
7 proceedings so provide, all funds established by laws or
8 proceedings authorizing the bonds or authorizing other
9 obligations, including lease, contract, and other written
10 obligations, shall remain with the Chief Financial Officer or
11 the previously designated trustees. If the proceedings do not
12 provide that the funds remain with the Chief Financial Officer
13 or the previously designated trustees, the funds shall be
14 transferred to the designated state agency.

15 21.018 Subpoena power.--

16 (1) The President of the Senate or the Speaker of the
17 House of Representatives may issue process to compel the
18 attendance of witnesses and the production of books, records,
19 papers, and other objects necessary or proper for the purposes
20 of the committee proceedings. The process may be served on a
21 witness at any place in this state.

22 (2) If a majority of the committee directs the
23 issuance of a subpoena, the chair shall request that the
24 President of the Senate or the Speaker of the House of
25 Representatives issue the subpoena.

26 (3) Testimony taken under subpoena must be reduced to
27 writing and given under oath subject to the penalties of
28 perjury.

29 (4) A witness who attends a committee proceeding under
30 process is entitled to the same mileage and per diem as a
31 witness who appears before a grand jury in this state.

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1 21.019 Assistance of and access to state agencies.--

2 (1) The committee may request the assistance of state
3 agencies and officers. When assistance is requested, a state
4 agency or officer shall assist the committee.

5 (2) In carrying out its functions under this chapter,
6 the committee or its designated staff member may inspect the
7 records, documents, and files of any state agency.

8 21.0211 Saving provision.--Except as otherwise
9 expressly provided by law, abolishment of a state agency does
10 not affect rights and duties that matured, penalties that were
11 incurred, civil or criminal liabilities that arose, or
12 proceedings that were begun before the effective date of the
13 abolishment.

14 21.022 Review of proposed legislation creating a new
15 agency or advisory committee.--

16 (1) Each bill filed in the Senate or the House of
17 Representatives that would create a new state agency or a new
18 advisory committee to a state agency shall be forwarded by the
19 President of the Senate or the Speaker of the House of
20 Representatives, as applicable, to the committee.

21 (2) The committee shall review the bill to determine
22 whether:

23 (a) The proposed regulatory and other functions of the
24 state agency or advisory committee could be administered by
25 one or more existing state agencies or advisory committees;

26 (b) The form of regulation, if any, proposed by the
27 bill is the least restrictive form of regulation that will
28 adequately protect the public;

29 (c) The bill provides for adequate public input
30 regarding any regulatory function proposed by the bill; and

31 (d) The bill provides for adequate protection against

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1 conflicts of interest within the state agency or advisory
2 committee.

3 (3) After reviewing the bill, the committee shall
4 forward a written comment concerning the legislation to the
5 sponsor of the bill and to the chair of the substantive
6 legislative committee to which the bill is referred, and
7 implementation may not take place until a recommendation is
8 made.

9 Section 2. Notwithstanding section 216.351, Florida
10 Statutes, subsection (4) of section 216.023, Florida Statutes,
11 is amended to read:

12 216.023 Legislative budget requests to be furnished to
13 Legislature by agencies.--

14 (4)(a) The legislative budget request must contain for
15 each program:

16 1. The constitutional or statutory authority for a
17 program, a brief purpose statement, and approved program
18 components.

19 2. Information on expenditures for 3 fiscal years
20 (actual prior-year expenditures, current-year estimated
21 expenditures, and agency budget requested expenditures for the
22 next fiscal year) by appropriation category.

23 3. Details on trust funds and fees.

24 4. The total number of positions (authorized, fixed,
25 and requested).

26 5. An issue narrative describing and justifying
27 changes in amounts and positions requested for current and
28 proposed programs for the next fiscal year.

29 6. Information resource requests.

30 7. Legislatively approved output and outcome
31 performance measures and any proposed revisions to measures.

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1 Each performance measure must identify the associated activity
2 contributing to the measure from those identified in
3 accordance with paragraph (b).

4 8. Proposed performance standards for each performance
5 measure and justification for the standards and the sources of
6 data to be used for measurement. Performance standards must
7 include standards for each affected activity and be expressed
8 in terms of the associated unit of activity.

9 9. Prior-year performance data on approved performance
10 measures and an explanation of deviation from expected
11 performance. Performance data must be assessed for reliability
12 in accordance with s. 20.055.

13 10. Proposed performance incentives and disincentives.

14 11. Supporting information, including applicable
15 cost-benefit analyses, business case analyses, performance
16 contracting procedures, service comparisons, and impacts on
17 performance standards for any request to outsource or
18 privatize agency functions. The cost-benefit and business case
19 analyses must include an assessment of the impact on each
20 affected activity from those identified in accordance with
21 paragraph (b). Performance standards must include standards
22 for each affected activity and be expressed in terms of the
23 associated unit of activity.

24 12. An evaluation of any major outsourcing and
25 privatization initiatives undertaken during the last 5 fiscal
26 years having aggregate expenditures exceeding \$10 million
27 during the term of the contract. The evaluation shall include
28 an assessment of contractor performance, a comparison of
29 anticipated service levels to actual service levels, and a
30 comparison of estimated savings to actual savings achieved.
31 Consolidated reports issued by the Department of Management

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1 Services may be used to satisfy this requirement.

2 (b) It is the intent of the Legislature that total
3 accountability measures, including unit-cost data, serve not
4 only as a budgeting tool but also as a policymaking tool and
5 an accountability tool. Therefore, each state agency and the
6 judicial branch must submit a ~~one-page~~ summary of information
7 for the preceding year in accordance with the legislative
8 budget instructions. Each ~~one-page~~ summary must provide a
9 one-page overview and must contain:

- 10 1. The final budget for the agency and the judicial
11 branch.
- 12 2. Total funds from the General Appropriations Act.
- 13 3. Adjustments to the General Appropriations Act.
- 14 4. The line-item listings of all activities.
- 15 5. The number of activity units performed or
16 accomplished.
- 17 6. Total expenditures for each activity, including
18 amounts paid to contractors and subordinate entities.
19 Expenditures related to administrative activities not aligned
20 with output measures must consistently be allocated to
21 activities with output measures prior to computing unit costs.
- 22 7. The cost per unit for each activity, including the
23 costs allocated to contractors and subordinate entities.
- 24 8. The total amount of reversions and pass-through
25 expenditures omitted from unit-cost calculations.

26
27 At the regular session immediately following the submission of
28 the agency unit cost summary, the Legislature shall reduce in
29 the General Appropriations Act for the ensuing fiscal year, by
30 an amount equal to at least 10 percent of the allocation for
31 the fiscal year preceding the current fiscal year, the funding

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1 of each state agency that fails to submit the report required
2 under this paragraph.

3 Section 3. To assist in the development of legislative
4 budget request instructions for agencies regarding the
5 computation of activity and unit cost information required to
6 be included in legislative budget requests under s. 216.023
7 (4)(b), Florida Statutes, a working group consisting of
8 representatives from the Executive Office of the Governor, the
9 Office of Program Policy Analysis and Government
10 Accountability, the Auditor General, the Department of
11 Financial Services, and legislative appropriations committees
12 shall be created, effective July 1, 2006, to develop a
13 cost-allocation methodology for agencies to use in the
14 computation of activity and unit costs. The cost-allocation
15 methodology shall be based on the standards and guidelines
16 identified in the Federal Office of Management and Budget
17 Circular A-87. In addition, this working group shall produce
18 procedures to ensure that the recommended cost-allocation
19 methodology produces auditable activity and unit cost
20 information that can be used to compare the performance of
21 each reported activity over time and of agencies and private
22 entities that perform similar activities. The working group
23 shall submit its recommendations, including the associated
24 implementation and operating costs, to the Governor, the
25 President of the Senate, and the Speaker of the House of
26 Representatives by December 31, 2006.

27 Section 4. This act shall take effect July 1, 2006.
28
29
30
31